(1) cf 100 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W.P. NO. 3070 /2004

PETITIONER Khol Bahera Sahu, S/o. Late Dharamlal Sahu, aged about 51 years, R/o. Village - Hardi, Sarpanch Incharge (at Present UP- Sarpanch) Gram Panchayat-Hardi (Jarve) Development Block, Tahsil- Akaltara, District Janjgir-Champa (C.G.).

P. R. No. 3076/04 Presented by Shri Gurudev Sharan dated 3-9-04

VERSUS

RESPONDENT

1. State of Chhattisgarh Through Director (Panchayat) Raipur
2. Collector District - Janjgir - Champa
3. Sub - Divisional officer (Revenue) District - Janjgir - Champa
4. Samarin Bai (At Present - Temporary Sarpanch) Gram Panchayat -Hardi, Akaltara, District Janjgir - Champa (C.G.)

RECEIVED-COPY 3/9/04 Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA

शपथ आयुक्त एल.के. गुप्ता बिलासपुर (छ.ग.) बिलासपुर तहसील कोर्ट

(1) **PARTICULARS OF THE PETITIONERS** :

The petitioner is same as above in the cause title.

(2) **PARTICULARS OF THE RESPONDENTS** :-

Particulars of the respondents are same as above in the cause title.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

33

आदेश पत्रक

W.P.No. 3070/04

मामला क्रमांक ..... सन् 200

विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	21.9.2004 Shri Gurudev Sharan, counsel for the petitioner. Shri Sanjay S. Agrawal, Government Advocate for the State/ respondents No.1, 2 and 3. The petitioner has preferred this writ petition under Articles 226 and 227 of the Constitution of India, being aggrieved by the order dated 24.8.2004 (Annexure P-1) passed by the Director, Panchayat in Revision Case No.225/A-89/2003-04. The main grievance of the petitioner is that after removal of regular Sarpanch on the ground of having more than two living children after the appointed date, the petitioner, being Up-Sarpanch of Gram Panchayat: Hardi, was looking after the charge of Sarpanch. Thereafter, on 14.6.2004 meeting of the Panchayat was convened, however on that day, the quorum of the Panchayat was not complete, therefore, the meeting was adjourned and no fresh date was fixed in that meeting. However, abruptly, without notice of the petitioner, meeting was fixed on 21.6.2004 and on that day also the quorum was not complete, even then respondent No.4 was appointed as Sarpanch against the casual vacancy against which the petitioner preferred an appeal before the Collector and the Collector issued stay. However, aggrieved by that order, respondent No.4 moved the Director, Panchayat by filing a revision before him. The Director, Panchayat, set aside the stay order passed by respondent No.2 and passed the impugned order. Now, the appeal is pending before the Collector and he is not deciding it. I have heard learned counsel for the parties.	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

34

आदेश पत्रक

W.P. No. 3070/04

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, respondent No.2 is directed to decide the appeal of the petitioner within a period of one month from the date of receipt of a copy of this order. With the aforesaid direction, the petition stands disposed of. In view of this order, M.(W.)P.No.2679/2004 and I.A.No.6558/2004 also stand disposed of. Parties are entitled for certified copy of this order. **Sd/-** **L.C. Bhadoo** **Judge**	

Soma/Sunita

23.9

[पीछे देखिये